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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**CISCO'S ADMINISTRATIVE MOTION  
TO FILE UNDER SEAL CONFIDENTIAL  
INFORMATION IN CISCO'S  
OPPOSITION TO ARISTA'S  
CORRECTED MOTION TO STRIKE  
EXPERT OPINIONS AND TESTIMONY  
OF DR. KEVIN C. ALMEROTH**

Judge: Hon. Beth Labson Freeman

02099-00004/8269911.1

Pursuant to Civil Local Rules 7-11 and 79-5, Cisco Systems, Inc. (“Cisco”) hereby brings this administrative motion for an order to seal certain information filed in connection with Cisco’s Opposition to Arista Networks, Inc.’s (“Arista”) Corrected Motion to Strike Expert Opinions and Testimony of Dr. Kevin C. Almeroth.

## **I. LEGAL STANDARD**

In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” ( *i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

## **II. GOOD CAUSE EXISTS TO PERMIT FILING UNDER SEAL**

Cisco makes this request to seal the documents identified herein for the reasons explained in detail in the Declaration of Sara E. Jenkins in support of this Administrative Motion to File Under Seal (“Jenkins Declaration”). Although Cisco does not claim confidentiality in any of the documents specified below, Cisco files this motion to seal to provide Arista with the opportunity to file a declaration pursuant to Civil Local Rule 79-5(e) to support the sealing of these documents as they contain, or refer to, information that Arista designated as confidential under the protective order.

## **II. DOCUMENTS SOUGHT TO BE SEALED**

The documents, and portions of documents, that Cisco seeks to seal through this motion are included in the chart below:

Document	Portions to Be Filed Under Seal	Party With Claim of Confidentiality
Cisco's Opposition to Arista's Corrected Motion to Strike Expert Opinions and Testimony of Dr. Kevin C. Almeroth.	Highlighted Portions	Arista
Exhibit 1 to the Declaration of John M. Neukom in Support of Cisco's Opposition to Arista's Corrected Motion to Strike Expert Opinions and Testimony of Dr. Kevin C. Almeroth. ("Neukom Declaration")	Entire	Arista
Exhibit 2 to the Neukom Declaration	Entire	Arista
Exhibit 3 to the Neukom Declaration	Entire	Arista

August 19, 2016

Respectfully submitted,

/s/ John M. Neukom  
John M. Neukom

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